

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**THE CINCINNATI INSURANCE COMPANY,
Plaintiff**

v.

**NORFOLK TRUCK CENTER, INC.
Defendant**

Case No.: 2:18cv531

**NORFOLK TRUCK CENTER'S CROSS-MOTION FOR SUMMARY
JUDGMENT AND THE NORFOLK TRUCK CENTER'S MOTION IN OPPOSITION
TO THE CINCINNATI INSURANCE COMPANY'S MOTION FOR SUMMARY
JUDGEMENT**

Defendant, Norfolk Truck Center, Inc., ("Norfolk Truck"), by counsel, pursuant to 28U.S.C. § 2201, Rule 56(a) of the Federal Rules of Civil Procedure, and Local Civil Rules 7(F) and 56, hereby moves for summary judgment against Plaintiff The Cincinnati Insurance Company, ("Cincinnati") for the reasons stated in its Memorandum in Support filed contemporaneously with this motion and incorporated herein by reference.

WHEREFORE, Norfolk Truck respectfully requests that this Court enter a judgment declaring the rights and obligations of the parties under the Insurance Contract, including, but not limited to, the following:

- (a) that Norfolk Truck's loss of funds to the Imposter was caused "directly" by the use of any computer;
- (b) that Norfolk Truck's loss of funds to the Imposter does satisfy the terms of the Computer Fraud insuring provision in the Insurance Contract;

(c) that Cincinnati has a duty under the Insurance Contract to indemnify Norfolk Truck for the loss of funds to the Imposter;

(d) that this Court provide such further and supplemental relief as it deems necessary and proper, including, but not limited to, an award of costs in favor of Norfolk Truck; and

e) that this Court DENY Cincinnati's motion for summary judgment.

Respectfully submitted,

NORFOLK TRUCK CENTER, INC.

By: _____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2019, a true copy of the foregoing Initial Disclosures was sent via the Court's ECF system and the following counsel of record:

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